

# LAST WILL AND TESTAMENT

OF

**KATHRYN A. BOESCH**

2014 EST 00669

FILED  
PROBATE COURT  
IN APR 16 P 4:08  
ALICE O. MCCOLLUM  
PROBATE JUDGE  
MONTGOMERY COUNTY, OHIO

I, **KATHRYN A. BOESCH**, of Montgomery County, Ohio, being of sound and disposing mind and memory and being under no undue restraint, but realizing the uncertainty of this life, and wishing to dispose of my worldly goods as I deem best, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all former Wills or Codicils whatsoever heretofore by me made.

ITEM ONE. I direct that my Executors or Executor hereinafter to be named, to pay all of my just debts, expenses of my last illness and funeral expenses out of my Estate as soon as practicable after my decease.

ITEM TWO. It is my request that my funeral arrangements be handled by Martin Funeral Home.

It is my request that I be buried in Memorial Park Cemetery in the grave between my mother, **ANNA MAY CARR**, and my former husband, **JOSEPH B. DEADY**, and my Executors are directed to purchase a suitable headstone similar to those of my mother and former husband.

ITEM THREE. I give and bequeath the sum of Five Hundred and 00/100 Dollars (\$500.00) to **EMANUEL CATHOLIC CHURCH, DAYTON, OHIO**, for the purpose of having Masses read for the repose of the souls of my deceased husband, Horace J. Boesch, and myself.

ITEM FOUR. I give and bequeath the sum of Five Hundred and 00/100 Dollars (\$500.00) unto **OUR LADY OF MERCY CATHOLIC CHURCH, DAYTON, OHIO**, for the purpose of having Masses read for the repose of the souls of my deceased husband, Horace J. Boesch, and myself.

ITEM FIVE. I have made a charitable contribution and Gift Agreement to the **UNIVERSITY OF DAYTON** dated **June 26, 2007** in the form of a gift in the amount of Five Hundred Thousand and 00/100 Dollars (\$500,000.00). It is my intention to pay this gift out of my income during my lifetime. However, if any portion of that gift remains unpaid at the time of my death, then I hereby direct that my Executors pay out of my estate said unpaid portion of said gift.

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ITEM SIX. I give and bequeath the following:

- A. The sum of Twenty-five Thousand and 00/100 Dollars (\$25,000.00) unto **THE SIENA, DAYTON, OHIO**, same to be theirs absolutely, in memory of my deceased husband, Horace J. Boesch.
- B. My antique silver tea service unto **IRENE DEADY**, 2213 Rector Avenue, Dayton, Ohio 45414, same to be hers absolutely.
- C. The sum of Thirty Thousand and 00/100 Dollars (\$30,000.00) unto **JAMES C. KIEFER**, who presently resides at 660 Buttercup, Vandalia, Ohio 45377, same to be his absolutely.
- D. My two carat diamond solitaire ring unto my step-granddaughter, **LESLIE BOESCH**, who presently resides at 1258 Westcliff Court, Kettering, Ohio 45409, same to be hers absolutely.
- E. My ring with three large diamonds and twelve small diamonds unto my stepdaughter, **JOHNA NELLAR**, who presently resides at 7199 Chadbourne Drive, Huber Heights, Ohio 45424, same to be hers absolutely.
- F. My yellow gold diamond filigree dinner ring with thirteen diamonds which was my mother's, unto my cousin, **JUDITH SHAVER**, who presently resides at 2027 Players Path, Kingwood, Texas 77339, same to be hers absolutely.
- G. My opal ring with thirteen diamonds and opal earrings I received from Nina Gwinn, unto my cousin, **BARBARA LOONEY**, who presently resides at 706 Masters Way, Humble, Texas 77339, same to be hers absolutely.
- H. My 50 pesos gold coin (14 carat) and chain, together with two pesos each (14 carat) gold earrings, and my antique silver tea service, unto my step-granddaughter, **PAULA LaFOND**, who presently resides at 29878 Avenida Cinca Del Sol, Temecula, California 92591, same to be hers absolutely.
- I. My antique gold watch on chain and my amethyst ring set in yellow gold unto my step-granddaughter, **BONNIE S. BORDEN**, who presently resides at Oregon, same to be hers absolutely.
- J. My amethyst necklace, bracelet and earrings unto my step-daughter, **BARBARA L. WANNEMACHER**, who presently resides at 4416 Sunnysdale Place, Dayton, Ohio 45429, same to be hers absolutely.

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- K. My diamond necklace with one diamond unto my step-daughter-in-law, **NATALIE BOESCH**, who presently resides at 1258 Westcliff Court, Kettering, Ohio 45409, same to be hers absolutely.
- L. My diamond earrings with pearl jackets unto my step-granddaughter, **NICOLE BOESCH SHORT**, who presently resides at Oakwood 45409, same to be hers absolutely.
- M. My ladies fancy diamond ring with twenty-three diamonds unto my friend, **JOANNE EDWARDS**, who presently resides at 5742 Woodmore Drive, Dayton, Ohio 45414, same to be hers absolutely.
- N. My opal ring with a ruby stone in the center, unto my step-granddaughter, **LAURA TEUTSCH**, who presently resides at 829 New England Avenue, Centerville, Ohio 45429, same to be hers absolutely.
- O. All of my gold bracelets except those previously bequeathed to Barbara Wannemacher, unto my step-daughter, **PAULITA M. BOESCH**, who presently resides at 4304 Frontenac Drive, Dayton, Ohio 45440, same to be hers absolutely.
- P. Painting of Aunt Nina's to **EARL H. BESCHER, JR.**, who both presently reside at 2027 Players Path, Kingwood, Texas 77339, same to be his absolutely.
- Q. The man's ring containing a one carat diamond with two small diamonds belonging to Joseph B. Deady, unto my step-grandson, **JOHN RANDOLPH**, who presently resides at 3660 Oakwood Place, Riverside, California 92506, same to be his absolutely.
- R. Seats to the University of Dayton basketball games in Section 112 to **HORACE J. BOESCH, JR.**, who presently resides at 4170 Brookdale Drive, Dayton Ohio 45429, same to be his absolutely and in fee simple.

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ITEM SEVEN. I hereby devise and bequeath the seven-sixteenth (7/16) interest that I own in the following real estate described as:

Situate in the City of Moraine, County of Montgomery and State of Ohio, and being Lots Numbered 5171, 5172, 5173, 5174, 5175 and 5176 of the consecutive numbers of lots on the revised plat of the said City of Moraine, Ohio.

to the following:

- A. One (1) share thereof unto my step-son, **HORACE J. BOESCH, JR.**, or his issue per stirpes, who presently resides at 4170 Brookdale Drive, Dayton Ohio 45429 45305, same to be his absolutely and in fee simple.

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- B. One (1) share thereof unto my step-daughter-in-law, **NATALIE BOESCH**, or her issue per stirpes, who presently resides at 1258 Westclif Court, Dayton, Ohio 45419, same to be hers absolutely and in fee simple.
- C. One (1) share thereof unto my step-daughter, **PAULITA M. BOESCH**, or her issue per stirpes, who presently resides at 4304 Frontenac Drive, Dayton, Ohio 45440, same to be hers absolutely and in fee simple.
- D. One (1) share thereof unto my step-daughter, **BARBARA L. WANNEMACHER**, or her issue per stirpes, who presently resides at 4416 Sunnydale Place, Dayton, Ohio 45429, same to be hers absolutely and in fee simple.

**ITEM EIGHT.** I hereby devise and bequeath the seven-sixteenth (7/16) interest that I own in the following real estate described as:

Situate in the City of Moraine, County of Montgomery and State of Ohio, and being Lot Numbered 5177 of the consecutive numbers of lots on the revised plat of the said City of Moraine, Ohio.

to the trustees of the **SOUTH DAYTON LAND FILL REMEDIATION TRUST**.

**ITEM NINE.** I hereby give and bequeath the sum of Fifty Thousand and 00/100 Dollars to the trustees of the **SOUTH DAYTON LAND FILL REMEDIATION TRUST** for the purpose of additional cleanup of the dump site being the real estate described in Item Eight hereinabove.

**ITEM TEN.** All the rest and residue of my property, whether same be real, personal or mixed, and wheresoever situate, I direct my executors to convert into cash and divide the proceeds into thirty-one (31) shares, and I give and bequeath said shares as follows:

- A. One (1) share thereof unto my step-granddaughter, **PAULA J. HUEMER**, who presently resides at 29878 Avenida Cinca Del Sol, Temecula, California 92591; same to be hers absolutely.
- B. One (1) share thereof unto my step-granddaughter, **BONNIE SUE BORDEN**, who presently resides at 11224 Redwood Avenue, Hesperia, California 92345, same to be hers absolutely.
- C. One (1) share thereof to my step-daughter-in-law, **IRENE DEADY**, or her issue per stirpes, who presently resides at 2213 Rector Avenue, Dayton, Ohio 45414, same to be hers absolutely.
- D. One (1) share thereof to my half-sister, **MARY SIMS**, or her issue per stirpes, who presently resides at 386 Spinning Road, Dayton, Ohio 45431; same to be hers absolutely.

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E. Six (6) shares thereof unto the children of Barbara L. Wannemacher and Bernard L. Wannemacher, who are alive at the time of my death, as follows:

1. One (1) share to **MARTIN WANNEMACHER**,
2. One (1) share to **PAUL WANNEMACHER**,
3. One (1) share to **CHRISTINE LYONS**,
4. One (1) share to **MICHAEL WANNEMACHER**,
5. One (1) share to **ELIZABETH MIRAS**, and
6. One (1) share to **JAMES WANNEMACHER**,

same to be theirs absolutely.

F. Two (2) shares thereof unto the children of Horace J. Boesch, Jr. and Patricia M. Boesch, who are alive at the time of my death, as follows:

1. One (1) share to **KAREN BOESCH**, and
2. One (1) share to **SUSAN BOESCH**,

same to be theirs absolutely.

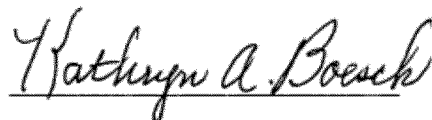
G. Four (4) shares thereof unto the children of Joseph M. Boesch and Natalie Boesch, who are alive at the time of my death, as follows:

1. One (1) share to **LESLIE BOESCH**,
  2. One (1) share to **LAURA TEUTSCH**,
  3. One (1) share to **JOSEPH BOESCH**, and
  4. One (1) share to **NICOLE SHORT**,
- same to be theirs absolutely, share and share alike.

H. Three (3) shares thereof unto the children of Paulita M. Boesch and Donald Miller, who are alive at the time of my death, as follows:

1. One (1) share to **ANDREA MILLER**,
2. One (1) share to **ANNETTE MILLER**, and
3. One (1) share to **ERIC MILLER**,

same to be theirs absolutely, share and share alike.



- I. Two (2) shares thereof unto my friend, **JOANNE EDWARDS**, and unto my friend, **WILLIAM EDWARDS**, who both presently reside at 5742 Woodmore Drive, Dayton, Ohio 45414, or the survivor of them, same to be theirs absolutely, share and share alike.
- J. One (1) share thereof to my great-granddaughter, **JOHNA NELLAR**, who presently resides at 7199 Chadbourne Drive, Huber Heights, Ohio 45424, same to be hers absolutely.
- K. Two (2) share thereof to my great-grandsons **RYAN B. DEADY AND JANIS DEADY**, or the survivor of them, who presently reside at 6166 Via Regla, San Diego, California 92122, same to be theirs absolutely, share and share alike.
- L. Two (2) share thereof to my great-grandchildren **JOHN RANDOLPH AND DINA RANDOLPH**, or the survivor of them, who presently reside at 3660 Oakwood Place, Riverside, California 92506, to be theirs absolutely, share and share alike.
- M. Four (4) shares thereof to the children of Joanne Edwards and William Edwards, who are alive at the time of my death, as follows:
1. One (1) share to **ANTHONY EDWARDS**,
  2. One (1) share to **TIMOTHY EDWARDS**,
  3. One (1) share to **GREGORY EDWARDS**, and
  4. One (1) share to **SCOTT EDWARDS**,

same to be theirs absolutely, share and share alike.

ITEM ELEVEN. I direct that my Executors or Executor pay out of that part of my residuary estate which is disposed of in my Last Will and Testament, all Federal Estate, State and Estate Succession taxes imposed upon or with respect to my estate, or any property in which I may have an interest, or any succession thereto, including any property not forming a part of my testamentary estate, but included therein for tax purposes, at such time and in such manner as my Executors or Executor, in their or his discretion, shall deem advisable; and no such taxes or any portion thereof so paid shall be collected from or paid by any person, persons, or corporation by way of reimbursement, proration, apportionment or otherwise. My Executors or Executor shall have the right, in their or his sole and absolute discretion to charge administrative expenses against the Federal Income tax or the Federal Estate tax.

ITEM TWELVE. I hereby nominate and appoint **JOANNE EDWARDS**, who presently resides at 5742 Woodmore Drive, Dayton, Ohio 45414; and **IRENE DEADY**, who presently resides at 2213 Rector Avenue, Dayton, Ohio 45414, to be the Co-Executors of this, my Last Will and Testament, and I direct that they be permitted to serve in such capacity without bond. In addition to the powers conferred on Executors by law, they shall have full power, in their discretion and without any Court Order or proceeding, to sell pursuant to option or otherwise at public or private sale, and

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upon such terms as they shall deem best, any real or personal property belonging to my Estate without regard to the necessity of such sale for the purpose of paying debts, taxes or legacies, or to retain any or all of such property, not so required, without liability for any depreciation thereof; to adjust, compromise and settle all matters of business and claims in favor of or against my Estate, and to do any and all things necessary or proper to complete the administration of my Estate, all as fully as I could do, if living.

In the event that either of the above-named Co-Executors shall predecease me, or for any reason shall fail to qualify as Executor or Executors hereunder, or having qualified, shall die or resign, then in that event I direct that **HORACE J. BOESCH, JR.** shall be appointed as Successor Executor, with the same powers as set forth heretofore and to serve likewise without bond.

ITEM THIRTEEN. In hereby appoint and direct that **JAMES R. MITCHELL** act as the attorney for my estate.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name at Dayton, Ohio, this  
9 day of ~~September~~ October, 2007.

Kathryn A. Boesch  
 Kathryn A. Boesch

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The foregoing instrument was acknowledged by the said **KATHRYN A. BOESCH**, to be her Last Will and Testament and was subscribed by her in our presence, we subscribing our names as witnesses hereto, at her request, in her presence, and in the presence of each other, on the day and year last above written.

Richard J. Landon residing at 445 W. Westbrook Rd.  
Brookville, Ohio 45309.

James R. Landon residing at 9889 W. State Rt. 55  
Luellen Falls, Ohio 45339

Prepared by:

James R. Mitchell, Esq.  
 Chernesky, Heyman & Kress P.L.L.  
 10 Courthouse Plaza SW, Suite 1100  
 Dayton, Ohio 45402

Kathryn A. Boesch

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